RESPONSE AND REMARKS

CLAIM REJECTIONS UNDER 35 USC SECTION 103(a)

In the Office Action dated February 20, 2008, Claims 1-6, 49-52 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,485,369; "*Nicholls*") in view of Fisher et al. (U.S. Patent No. 6,047,264; "*Fisher*"), Kara et al. (U.S. Patent No. 6,233,568; "*Kara*") and InterShipper (Newsbytes Article, February 18, 1998, "Internet Update"; "*Intershipper*"). *Office Action*, Topic Nos. 3-10, pgs. 3-5. The *Appeal Decision* affirmed the rejections of Claims 1-6, 49-52 and 58 under 35 U.S.C. §103(a) as being unpatentable over *Nicholls* in view of *Fisher*, *Kara* and *Intershipper*.

In the Office Action dated February 20, 2008, Claims 28-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nicholls* in view of Pauly et al. (U.S. Patent No. 4,958,280; "*Pauly*"), *Kara* and *Intershipper*. *Office Action*, Topic Nos. 11-18, pgs. 5-7. The *Appeal Decision* affirmed the rejections of Claims 28-33 under 35 U.S.C. §103(a) as being unpatentable over *Nicholls* in view of *Pauly*, *Kara* and *Intershipper*.

AMENDMENTS TO THE CLAIMS AND RESPONSIVE REMARKS REGARDING CLAIM REJECTIONS UNDER SECTION 103(a)

The rejections of, and affirmation of the rejections of, the Claims have been carefully considered. Independent Claims 1, 28, 49-52 and 58, and dependent Claims 4-6, and 31-33, have been amended; new dependent Claims 59-61 have been added.

For the reasons given below, it is respectfully submitted that none of *Nicholls*, *Fisher*, *Thiel*, *Pauly*, and *Kara*, whether considered alone, or in combination, anticipate, disclose, teach or suggest all of the limitations of the Claims, as amended, of the present application.

A. InterShipper, Relied on by the Office Action and the Appeal Decision as Showing a "Simultaneous" Display, Fails to Disclose a Simultaneous Interactive Graphic Identification as Required by the Amended Claims.

As amended, the Claims of the present application require a simultaneous interactive graphic identification or display of shipping charges for a plurality of delivery services by a plurality of carriers. *See, e.g.*, Claim 1 (claiming "...for each respective carrier ... that would provide electronic mail delivery notification ..., display ... a simultaneous interactive graphic identification of a corresponding shipping charge for each delivery service offered by the respective carrier ..."); *see also*, Claims 28 and 49 (claiming similar limitations).

The Office Action and *Appeal Decision* both relied on *InterShipper* as showing a "simultaneous" display. See, e.g., *Office Action*, Topic No. 7, p. 5 ("Intershipper ... display[s] every method possible that you can use to ship your package for all major shippers (See Internet Update Article Page 1, Paragraphs 1-3).... It would have been obvious to ... modify Nicholls and Kara to display every method possible to ship a package, as disclosed by InterShipper, in order to find the cheapest shipping rates (See Page 1)."); *see also, Appeal Decision*, p. 11, ¶ 2. However, it is respectfully asserted that *InterShipper* does not disclose, and the *Appeal Decision* did not find that *InterShipper* discloses, a simultaneous *interactive* graphic identification or display as required by the amended Claims of the present application.

It is respectfully asserted that the claimed simultaneous *interactive* graphic identification or display is useful over, and patentably distinct from, the Office Action's and *Appeal Decision*'s interpretation of *InterShipper*. In particular, as compared to a display that is "exhaustive and arranged in cost order ... and ... displayed simultaneously ..." (*Appeal Decision*, p. 11, ¶2), it is respectfully asserted that the Claims of the present application, as amended, require that the display is *interactive*. It is respectfully asserted that exemplary embodiments of the claimed simultaneous *interactive* graphic identification or display could be used by a user to select a particular shipping charge and print a shipping label for

the selected delivery service for the selected carrier for the selected shipping charge. *See, e.g.*, Claim 1 (claiming "...said simultaneous interactive graphic identification adapted for receiving a user-interactive selection of a particular carrier and a particular delivery service offered by the particular carrier, such that said receiving the user-interactive selection causes a generation of a shipping label for shipping the particular parcel according to the parcel shipping specifications using the particular delivery service offered by the particular carrier for said corresponding shipping charge."); *see also*, Claims 28 and 49 (claiming similar limitations).

Accordingly, it is respectfully asserted that the amended Claims of the present application are therefore patentably distinguished from, and therefore patentable over, the cited references, including *InterShipper*.

B. *InterShipper, Relied on by the Office Action and the Appeal Decision as Showing a "Simultaneous" Display, Fails to Disclose a Simultaneous Interactive Graphic Identification That is Displayable on a Single Display Screen as Required by the Amended Claims*.

As amended, the Claims of the present application not only require that the simultaneous display of shipping charges is an *interactive* graphic identification or display, but further require that the interactive display of shipping charges is displayable on a *single* display screen. *See, e.g.*, Claim 1 (claiming "... said simultaneous interactive graphic identification displayable on a single display screen ..."); *see also*, Claims 28 and 49 (claiming similar limitations).

Even though the *Appeal Decision* interpreted *InterShipper* as providing display results simultaneously (*see Appeal Decision*, p. 11, ¶2), it is respectfully asserted that *InterShipper* does not disclose, and the *Appeal Decision* did not hold that *InterShipper* discloses, that the *InterShipper* display is a *single screen* interactive graphic identification or display as claimed.

It is respectfully asserted that the claimed simultaneous interactive *single screen* graphic identification or display is useful over, and patentably distinct from, the Office Action's and *Appeal Decision*'s interpretation of *InterShipper* as

having a display that is "exhaustive and arranged in cost order ... and ... displayed simultaneously ...." *Appeal Decision*, p. 11, ¶2. In particular, exemplary embodiments of such a single screen display would provide, on a single screen, all of the shipping charges corresponding to delivery services and carriers that would ship a particular parcel according to a user's requirements; the user would not need to page through a list of rates, and then, if needed, page up again, to review shipping charges listed above on a previous screen.

Accordingly, it is respectfully asserted that the amended Claims of the present application are therefore patentably distinguished from, and therefore patentable over, the cited references, including *InterShipper*.

C. The Cited References Fail to Disclose a Simultaneous Interactive Graphic Identification of Rates Arranged With an Indication of, or According to, Delivery Dates and Times as Required by New Dependent Claims 59-61.

New dependent Claims 59-61 all claim, in one way or another, an arrangement of shipping charges with an indication of a corresponding delivery date and time. For example, New dependent Claim 59 claims:

> said simultaneous interactive graphic identification comprises an indication of a respective delivery date and a respective delivery time corresponding to each shipping charge displayed as part of the simultaneous interactive graphic identification.

It is respectfully asserted that the cited references, including InterShipper, fail to disclose the claimed simultaneous interactive graphic identification of rates arranged with an indication of, or according to, delivery dates and times as required by New dependent Claims 59-61. Accordingly, it is respectfully asserted that New dependent Claims 59-61 are patentable over the cited references, whether considered alone or in combination, and are therefore in condition for allowance.

CONCLUSION

In view of the foregoing reasons, it is respectfully asserted that the invention disclosed and claimed in the present application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, it is respectfully requested that the present application be reconsidered and allowed.

Respectfully submitted,

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